



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**WASHINGTON, D.C. 20460**

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE  
OFFICE OF GENERAL COUNSEL

March 8, 2017

**Return Receipt Requested**

Certified Mail#: 7015 3010 0001 1267 5461

**In Reply Refer to:**

EPA File No.: 11R-14-R4

Mr. Michael S. Regan  
Secretary  
North Carolina Department of Environmental Quality  
1622 Mail Service Center  
Raleigh, NC 27699-1611

Re: **Suspension of Complaint Investigation (Alternative Dispute Resolution)**

Dear Secretary Regan:

On January 30, 2017, the U.S. Environmental Protection Agency's (EPA) External Civil Rights Compliance Office (ECRCO) was informed that the North Carolina Department of Environmental Quality (NC DEQ) and the Complainants, the North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help (REACH) and the Waterkeeper Alliance, Inc., represented by Earthjustice, agreed to engage in Alternative Dispute Resolution (ADR). On March 2, 2017, NC DEQ and the Complainants agreed upon the selection of a mediator. In light of this information, ECRCO has suspended its investigation of the subject Complaint for the duration of the ADR process. ECRCO will resume its investigation if the parties do not reach resolution through ADR. More information about EPA's complaint procedures and the ADR process can be found in ECRCO's Case Resolution Manual at [https://www.epa.gov/sites/production/files/2017-01/documents/final\\_epa\\_ogc\\_ecrco\\_crm\\_january\\_11\\_2017.pdf](https://www.epa.gov/sites/production/files/2017-01/documents/final_epa_ogc_ecrco_crm_january_11_2017.pdf).

If you have any questions, please do not hesitate to contact me at (202) 564-9649, [dorka.lilian@epa.gov](mailto:dorka.lilian@epa.gov) or Ericka Farrell, Case Manager, at (202) 564-0717, [farrell.ericka@epa.gov](mailto:farrell.ericka@epa.gov), or U.S. EPA, External Civil Rights Compliance Office, (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-1000.

Sincerely,

Mr. Michael S. Regan

Page 2

Lilian S. Dorka  
Director  
External Civil Rights Compliance Office

cc: Kenneth Redden  
Acting Associate General Counsel  
Civil Rights & Finance Law Office

Vicki Tellis  
Acting Deputy Regional Administrator  
Acting Deputy Civil Rights Official,  
U.S. EPA Region 4



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**WASHINGTON, D.C. 20460**

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE  
OFFICE OF GENERAL COUNSEL

March 8, 2017

**Return Receipt Requested**

Certified Mail#: 7015 3010 0001 1267 5454

**In Reply Refer to:**

EPA File No.: 11R-14-R4

Marianne Engelman Lado  
Visiting Clinical Professor of Law  
Yale Law School  
127 Wall Street  
New Haven, CT 06511

Certified Mail#: 7015 3010 0001 1267 5478  
Jonathan J. Smith  
Associate Attorney  
Earthjustice Northeast Office  
48 Wall Street, 19th Floor  
New York, NY 10005

Certified Mail#: 7015 3010 0001 1267 5485  
Elizabeth Haddix  
Senior Staff Attorney  
UNC Center for Civil Rights  
323 West Barbee Chapel Rd.  
Chapel Hill, NC 27517

Re: **Suspension of Complaint Investigation (Alternative Dispute Resolution)**

Dear Ms. Lado, Mr. Smith, and Ms. Haddix:

On January 30, 2017, the U.S. Environmental Protection Agency's (EPA) External Civil Rights Compliance Office (ECRCO) was informed that the Complainants, the North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help (REACH) and the Waterkeeper Alliance, Inc., represented by Earthjustice, and the North Carolina Department of Environmental Quality (NC DEQ), agreed to engage in Alternative Dispute Resolution (ADR). On March 2, 2017, the Complainants and NCDEQ agreed upon the selection of a mediator. In light of this information, ECRCO has suspended its investigation of

Ms. Marianne Engleman Lado  
Jonathan Smith  
Elizabeth Haddix

Page 2

the subject Complaint for the duration of the ADR process. ECRCO will resume its investigation if the parties do not reach resolution through ADR. More information about EPA's

complaint procedures and the ADR process can be found in ECRCO's Case Resolution Manual at [https://www.epa.gov/sites/production/files/2017-01/documents/final\\_epa\\_ogc\\_ecrco\\_crm\\_january\\_11\\_2017.pdf](https://www.epa.gov/sites/production/files/2017-01/documents/final_epa_ogc_ecrco_crm_january_11_2017.pdf).

If you have any questions, please do not hesitate to contact me at (202) 564-9649, [dorka.lilian@epa.gov](mailto:dorka.lilian@epa.gov) or Ericka Farrell, Case Manager, at (202) 564-0717, [farrell.ericka@epa.gov](mailto:farrell.ericka@epa.gov), or U.S. EPA, External Civil Rights Compliance Office, (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-1000.

Sincerely,

Lilian S. Dorka  
Director  
External Civil Rights Compliance Office

cc: Kenneth Redden  
Acting Associate General Counsel  
Civil Rights & Finance Law Office

Vicki Tellis  
Acting Deputy Regional Administrator  
Acting Deputy Civil Rights Official  
U.S. EPA Region 4



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**WASHINGTON, D.C. 20460**

EXTERNAL CIVIL RIGHT COMPLIANCE OFFICE  
OFFICE OF GENERAL COUNSEL

January 12, 2017

**Return Receipt Requested**

Certified Mail# 7015 3010 0001 1267 5140

**In Reply Refer to:**

EPA File No. 11R-14-R4

Marianne Engelman Lado  
Visiting Clinical Professor of Law  
Yale Law School  
127 Wall Street  
New Haven, CT 06511  
(203) 432-2184  
(cell) (917) 608-2053

Jonathan J. Smith  
Associate Attorney  
Earthjustice Northeast Office  
48 Wall Street, 19th Floor  
New York, NY 10005

Elizabeth Haddix  
Senior Staff Attorney  
UNC Center for Civil Rights  
323 West Barbee Chapel Rd.  
Chapel Hill, NC 27517

**Re: Copy of Letter of Concern**

Dear Ms. Lado, Mr. Smith, and Ms. Haddix:

Consistent with United States Environmental Protection Agency's External Civil Rights Compliance Office's (ECRCO) goal to promote appropriate involvement by complainants and recipients in the external complaint process, we are writing to provide you a copy of the enclosed Letter of Concern to the North Carolina Department of Environmental Quality, related to administrative complaint No. 11R-14-R4.

Please note that ECRCO considers this letter part of its ongoing investigation. So, while we are providing the enclosed letter to the Complainants, ECRCO does not consider this letter a public

Ms. Lado, Mr. Smith, and Ms. Haddix – January 12, 2017  
document.

If you have any questions, please feel free to contact me at (202) 564-9649, by e-mail at [dorka.lilian@epa.gov](mailto:dorka.lilian@epa.gov), or U.S. mail at U.S. EPA, Office of General Counsel, External Civil Rights Compliance Office (Mail Code 2310A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,

Lilian S. Dorka  
Director  
External Civil Rights Compliance Office  
Office of General Counsel

Cc:

Elise B. Packard  
Associate General Counsel for Civil Rights and Finance  
U.S. EPA Office of General Counsel

Kenneth Lapierre  
Assistant Regional Administrator  
U.S. EPA Region 4

Enclosure

Summary of Pictures in **Ex. 5 - Deliberative Process** Related to REACH Case Onsite in Duplin and Sanford Counties NC

November 14 and 15, 2016.

- 09: Hog Farm as seen from road, Duplin County, 11-14-16
- 10: Hog Farm on left, Historic Cemetery on right, grave marked with white fence 11-14-16
- 11: Historic Cemetery, Duplin Co 11-14-16
- 12: Historic Cemetery, Duplin Co 11-14-16
- 13: Historic Cemetery, Duplin Co 11-14-16
- 14: Butter Ball Turkey Farm next to hog farm, as seen from road, Duplin Co 11-14-16
- 15: Butter Ball Turkey Farm next to hog farm, as seen from road, Duplin Co 11-14-16
- 16: Butter Ball Turkey Farm next to hog farm, as seen from road, Duplin Co 11-14-16
- 17: Butter Ball Turkey Farm next to hog farm, as seen from road, Duplin Co 11-14-16
- 18: Butter Ball Turkey Farm next to hog farm, as seen from road, Duplin Co 11-14-16
- 19: Butter Ball Turkey Farm next to hog farm, as seen from road, Duplin Co 11-14-16
- 20: Butter Ball Turkey Farm next to hog farm, as seen from road, Duplin Co WATERING HOLE by turkey house 11-14-16
- 21: Butter Ball Turkey Farm next to hog farm, as seen from road, Duplin Co watering hole by turkey house 11-14-16
- 22: Butter Ball Turkey Farm next to hog farm, as seen from road, Duplin Co watering hole by turkey house 11-14-16
- 23: Hog Farm by Turkey Farm with Spray Field and pond as seen from road, Duplin Co 11-14-16
- 24: Hog Farm with ditches by hog houses, as seen from road, Duplin Co 11-14-16
- 25: Hog Farm with ditches by hog houses, as seen from road, Duplin Co 11-14-16
- 26: Hog Farm with ditches by hog houses, as seen from road, Duplin Co 11-14-16
- 27: Butter Ball Turkey Farm next to hog farm, as seen from road, Duplin Co 11-14-16
- 28: Butter Ball Turkey Farm next to hog farm, as seen from road, Duplin Co 11-14-16
- 29: House across the street from hog farm with sprayer and turkey farm, Duplin Co 11-14-16
- 30: House across the street from hog farm with sprayer and turkey farm, Duplin Co 11-14-16
- 31: House across the street from hog farm with sprayer and turkey farm, Duplin Co 11-14-16

32: Hog Farm down the road, as seen from road, Duplin Co 11-14-16

33: House across the street from hog farm in #31, as seen from road, Duplin Co, 11-14-16

34: Same Hog Farm down the road (as #31), with sprayer and ditches by road, as seen from road, Duplin Co 11-14-16

35: Large Hog Farm **Ex. 6 - Personal Privacy** with multiple sprayers, as seen from road, Duplin Co, 11-14-16

36: Yellow House across the Street from **Ex. 6 - Personal Privacy** as seen from road, Duplin Co, 11-14-16

37: Yellow House across the Street from **Ex. 6 - Personal Privacy** as seen from road, Duplin Co, 11-14-16

38: Dead box on hog farm, as seen from road, Duplin Co, 11-14-16

39: Dead box on hog farm, as seen from road, Duplin Co, 11-14-16

40: Sampson Landfill, as seen from public dirt road, Sampson Co, 11-14-16

41: Sampson Landfill, as seen from public dirt road, Sampson Co, 11-14-16

42: Spray field right next to Landfill, as seen from public dirt road, Sampson Co, 11-14-16

43: Spray field right next to Landfill, as seen from public dirt road, Sampson Co, 11-14-16

44: Hog Farm right next to Spray field, right next to Landfill, as seen from public dirt road, Sampson Co, 11-14-16

45: Hog Farm right next to Spray field, right next to Landfill, as seen from public dirt road, Sampson Co, 11-14-16

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48: Dead Box at end of same dirt road as seen from public dirt road, Sampson Co, 11-14-16

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52: Spray field as seen from public dirt road, Sampson Co, 11-14-16

NOTE: **Ex. 6 - Personal Privacy** the above  
hog farm, spray filed and landfill. **Ex. 6 - Personal Privacy**

**Ex. 6 - Personal Privacy** the above hog farm, spray filed and landfill.



53: As seen from **Ex. 6 - Personal Privacy**, Sampson Co, 11-14-16

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56: As seen from **Ex. 6 - Personal Privacy**, Sampson Co, 11-14-16

Tuesday, 11-15-2016

61: Well Water at **Ex. 6 - Personal Privacy** house, cloudy with smell, 11-15-16

62: Well Water at **Ex. 6 - Personal Privacy** house, cloudy with smell, 11-15-16

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Summary of Pictures **Ex. 5 - Deliberative Process** Related to REACH Case Onsite in Duplin and Sanford Counties NC

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**To:** Farrell, Ericka[Farrell.Ericka@epa.gov]; O'Lone, Mary[olone.mary@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Goerke, Ariadne[Goerke.Ariadne@epa.gov]; Tommelleo, Nancy[Tommelleo.Nancy@epa.gov]; 'HALIM-CHESTNUT, NAIMA (Halim-Chestnut.Naima@epa.gov)'[Halim-Chestnut.Naima@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Fri 1/27/2017 8:22:04 PM  
**Subject:** RE: REACH Case and ADR

CASE TEAM: FYI, just wanted you to know that I will be holding off on contacting NC DEQ and the ADR Center until Monday morning so as to allow us to give Kevin Minoli a heads up this afternoon. If there are any call or questions from either complainants or the recipient, please refer those to me. Thanks!

Lilian Sotolongo Dorka

Director, External Civil Rights Compliance Office

EPA, Office of General Counsel

202-564-9649

WJC-N Room 2450

**From:** Dorka, Lilian  
**Sent:** Friday, January 27, 2017 1:02 PM  
**To:** Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <olone.mary@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>; HALIM-CHESTNUT, NAIMA (Halim-Chestnut.Naima@epa.gov) <Halim-Chestnut.Naima@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>  
**Subject:** REACH Case and ADR  
**Importance:** High

Hi Folks – just wanted to let you know that I just heard from Marianne Lado and Elizabeth Haddix on behalf of complainants in the REACH case that they are interested in engaging in ADR with NC DEQ. They did ask me to pass along to NC DEQ 2 things: 1) complainants also are interested in moving quickly and 2) given prior experience their hope is the NC DEQ will bring some proposed actions to the table. Next steps for me include:

- Contacting Michael Regan, Secretary, NC DEQ (he asked that I contact him directly)
- Contact Jeanne Briskin and ask her to reach out to each of the parties to begin the process.

I will also ask Jeanne to make sure to notify our office as soon as a mediator has been identified so that we can then formally toll our investigation.

ELISE: I left you a voice message on this, and will hold off contacting anyone until I hear back from you.

Thanks!!



**To:** Packard, Elise[Packard.Elise@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Fri 1/27/2017 8:07:58 PM  
**Subject:** RE: REACH Case and ADR

OK, will do.

Lilian Sotolongo Dorka

Director, External Civil Rights Compliance Office

EPA, Office of General Counsel

202-564-9649

WJC-N Room 2450

**From:** Packard, Elise  
**Sent:** Friday, January 27, 2017 3:03 PM  
**To:** Dorka, Lilian <Dorka.Lilian@epa.gov>  
**Subject:** RE: REACH Case and ADR

Let me take this to Kevin tonight and you can call Monday morning.

Thanks.

Elise B. Packard

Acting Principal Deputy General Counsel

U.S. EPA Office of General Counsel, Rm. 4020

(202) 564-7729

**From:** Dorka, Lilian

**Sent:** Friday, January 27, 2017 1:02 PM

**To:** Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>; HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>

**Subject:** REACH Case and ADR

**Importance:** High

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ELISE: I left you a voice message on this, and will hold off contacting anyone until I hear back from you.

Thanks!!

**To:** Farrell, Ericka[Farrell.Ericka@epa.gov]; O'Lone, Mary[olone.mary@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Goerke, Ariadne[Goerke.Ariadne@epa.gov]; Tommelleo, Nancy[Tommelleo.Nancy@epa.gov]; HALIM-CHESTNUT, NAIMA (Halim-Chestnut.Naima@epa.gov)[Halim-Chestnut.Naima@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Fri 1/27/2017 6:01:52 PM  
**Subject:** REACH Case and ADR

Hi Folks – just wanted to let you know that I just heard from Marianne Lado and Elizabeth Haddix on behalf of complainants in the REACH case that they are interested in engaging in ADR with NC DEQ. They did ask me to pass along to NC DEQ 2 things: 1) complainants also are interested in moving quickly and 2) given prior experience their hope is the NC DEQ will bring some proposed actions to the table. Next steps for me include:

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I will also ask Jeanne to make sure to notify our office as soon as a mediator has been identified so that we can then formally toll our investigation.

ELISE: I left you a voice message on this, and will hold off contacting anyone until I hear back from you.

Thanks!!

January 23, 2017

**FROM : Lilian Dorka, External Civil Rights Compliance Office**

**TO : Rich Albores**

**SUBJECT: UPDATE ON REACH CASE - NC DEQ-Hog Operations (EPA File No.: 11R-14-R4)**

- On January 12, 2017, External Civil Rights Compliance Office (ECRCO) issued a Letter of Concern to the North Carolina Department of Environmental Quality (NCDEQ) as a part of a civil rights investigation into alleged discrimination and retaliation related to NC DEQ's Swine Waste Management System General Permit (Swine Waste General Permit).
- ECRCO has not concluded its investigation and this letter did not contain ultimate findings of facts or law. Rather, ECRCO summarized some of the information gathered to date to explain why ECRCO continues to be concerned about possible discriminatory impacts.
- In light of these concerns, ECRCO made a series of preliminary recommendations and requested a meeting to explore informal resolution. In the 1/12 letter, ECRCO stated that it recognizes that there is new leadership at NC DEQ who were not involved in the events and correspondence described below relating to this Complaint and who will understandably need to come up to speed.
- The letter concludes by stating that I would be contacting the then Acting Secretary, Bill Ross in the "next day or so to schedule a meeting to occur in the next two weeks." Bill Ross contacted me the following week to let me know that a new permanent Secretary, Michael Regan, would be on board the week of January 17<sup>th</sup> and would be contacting me to schedule a time to talk.
- Michael Regan contacted me on Friday 1/20/17 to ask if we could speak via conference call about this matter.
- **On Tuesday, January 24, 2017, at 10:00 AM we will be speaking to Mr. Regan via conference call about the Letter of concern. Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

- The January 12, 2017 Letter of Concern stated that "It is our goal to be able to reach informal resolution as soon as possible. We believe that through productive conversations over the next 60 days, we can negotiate an Informal Resolution Agreement that would address the concerns discussed in this letter and that would include a plan for moving forward..."

**To:** O'Lone, Mary[olone.mary@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Johnson, Johanna[Johnson.Johanna@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Fri 10/28/2016 12:31:57 PM  
**Subject:** FW: REACH Case Onsite Visit Planning and Requests for Assistance from Region 4 re GIS Data

FYI

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

**From:** Lapierre, Kenneth  
**Sent:** Friday, October 28, 2016 8:26 AM  
**To:** Dorka, Lilian <Dorka.Lilian@epa.gov>  
**Subject:** Re: REACH Case Onsite Visit Planning and Requests for Assistance from Region 4 re GIS Data

Lilian,

I am trying to find someone else who can help. Will get back to you soon.

Thanks. Ken

Sent from my iPhone

On Oct 27, 2016, at 11:05 PM, Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)> wrote:

Thanks very much! Is there someone in addition to Connie with that type of expertise who would be able to attend as well? We will need to separate into smaller groups to cover all we want to see while there and we're thinking we needed two technical experts.

Sent from my iPhone

On Oct 27, 2016, at 8:10 PM, Lapierre, Kenneth <[Lapierre.Kenneth@epa.gov](mailto:Lapierre.Kenneth@epa.gov)> wrote:

Lilian,

Connie Roberts, the R4 Ag Coordinator will provide technical assistance to the team for this visit. Connie has a good understanding of CAFO operations. I am fine with the travel fund usage as you set forth in your message. I am also fine with scoping out your needs for GIS support with Ravi but agree that we'll need to discuss additional support for analysis once we get an idea of what is needed.

Thanks and talk to you soon. Ken

Sent from my iPhone

On Oct 27, 2016, at 6:38 PM, Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)> wrote:

Hi Ken-

As you know, we are in the process of setting up an onsite visit to North Carolina the week of November 14<sup>th</sup> for 2 or 3 days to conduct interviews of individual residents. As I mentioned to you when you were in town last week, OCR would appreciate the assistance of 1 or 2 staff people from R4 who have technical experience in the area of CAFO operations.

**Deliberative Process / Ex. 5**

## **Ex. 5 - Deliberative Process**

# **Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

## **Ex. 5 - Deliberative Process**

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

**To:** Lapierre, Kenneth[lapierre.kenneth@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Fri 10/28/2016 12:31:18 PM  
**Subject:** RE: REACH Case Onsite Visit Planning and Requests for Assistance from Region 4 re GIS Data

Thanks so much Ken!

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

**From:** Lapierre, Kenneth  
**Sent:** Friday, October 28, 2016 8:26 AM  
**To:** Dorka, Lilian <Dorka.Lilian@epa.gov>  
**Subject:** Re: REACH Case Onsite Visit Planning and Requests for Assistance from Region 4 re GIS Data

Lilian,

I am trying to find someone else who can help. Will get back to you soon.

Thanks. Ken

Sent from my iPhone

On Oct 27, 2016, at 11:05 PM, Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)> wrote:

Thanks very much! Is there someone in addition to Connie with that type of expertise who would be able to attend as well? We will need to separate into smaller groups to cover all we want to see while there and we're thinking we needed two technical experts.



Sent from my iPhone

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**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

**Ex. 5 - Deliberative Process**

## **Deliberative Process / Ex. 5**

# **Ex. 5 - Deliberative Process**

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

**To:** Lapierre, Kenneth[Lapierre.Kenneth@epa.gov]  
**Cc:** Farrell, Ericka[Farrell.Ericka@epa.gov]; O'Lone, Mary[OLone.Mary@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; HALIM-CHESTNUT, NAIMA[Halim-Chestnut.Naima@epa.gov]; Peurifoy, Cynthia[Peurifoy.Cynthia@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]; Lincoln, Larry[Lincoln.Larry@epa.gov]; Tellis, Vickie[Tellis.Vickie@epa.gov]; Roberts, Connie[Roberts.Connie@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Fri 10/28/2016 3:05:17 AM  
**Subject:** Re: REACH Case Onsite Visit Planning and Requests for Assistance from Region 4 re GIS Data

Thanks very much! Is there someone in addition to Connie with that type of expertise who would be able to attend as well? We will need to separate into smaller groups to cover all we want to see while there and we're thinking we needed two technical experts.

Sent from my iPhone

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Thanks and talk to you soon. Ken

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**Ex. 5 - Deliberative Process**

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# **Ex. 5 - Deliberative Process**

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450



**To:** Lapierre, Kenneth[lapierre.kenneth@epa.gov]  
**Cc:** Farrell, Ericka[Farrell.Ericka@epa.gov]; O'Lone, Mary[olone.mary@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; HALIM-CHESTNUT, NAIMA (Halim-Chestnut.Naima@epa.gov)[Halim-Chestnut.Naima@epa.gov]; Peurifoy, Cynthia[Peurifoy.Cynthia@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Thur 10/27/2016 10:37:59 PM  
**Subject:** REACH Case Onsite Visit Planning and Requests for Assistance from Region 4 re GIS Data

Hi Ken-

As you know, we are in the process of setting up an onsite visit to North Carolina the week of November 14<sup>th</sup> for 2 or 3 days to conduct interviews of individual residents. As I mentioned to you when you were in town last week, OCR would appreciate the assistance of 1 or 2 staff people from R4 who have technical experience in the area of CAFO operations.

Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

**To:** O'Lone, Mary[OLone.Mary@epa.gov]  
**Cc:** Rhodes, Julia[Rhodes.Julia@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Thur 10/27/2016 1:20:55 PM  
**Subject:** Re: URGENT - FW: REACH - draft email following up on Oct. 17th meeting

Right but we have not told them yet. □

Sent from my iPhone

On Oct 27, 2016, at 8:58 AM, O'Lone, Mary <OLone.Mary@epa.gov> wrote:

Sure. We told Earthjustice that.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** Dorka, Lilian  
**Sent:** Wednesday, October 26, 2016 6:14 PM  
**To:** O'Lone, Mary <OLone.Mary@epa.gov>  
**Cc:** Rhodes, Julia <Rhodes.Julia@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>  
**Subject:** RE: URGENT - FW: REACH - draft email following up on Oct. 17th meeting  
**Importance:** High

## Ex. 5 - Deliberative Process



Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

**From:** O'Lone, Mary

**Sent:** Wednesday, October 26, 2016 5:32 PM

**To:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>

**Cc:** Rhodes, Julia <[Rhodes.Julia@epa.gov](mailto:Rhodes.Julia@epa.gov)>; Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>

**Subject:** URGENT - FW: REACH - draft email following up on Oct. 17th meeting

Lilian-

Just a tickler to remind you to review & send this out.

It has some deadlines you might want to adjust the longer it waits.

Elise & Julia reviewed it before it went down to you on Monday.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** O'Lone, Mary  
**Sent:** Monday, October 24, 2016 5:26 PM  
**To:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
**Cc:** Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>; Farrell, Ericka <[Farrell.Ericka@epa.gov](mailto:Farrell.Ericka@epa.gov)>; Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Julia Rhodes ([Rhodes.Julia@epa.gov](mailto:Rhodes.Julia@epa.gov)) <[Rhodes.Julia@epa.gov](mailto:Rhodes.Julia@epa.gov)>; Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>  
**Subject:** REACH - draft email following up on Oct. 17th meeting

Lilian –Here is a draft of the follow-up email from our Oct. 17<sup>th</sup> meeting. The list of remedies sent by complainants referenced in the email is attached. Thanks, Mary

## **Ex. 5 - Atty Client/ Deliberative Process**

## **Ex. 5 - Atty Client/ Deliberative Process**

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**To:** O'Lone, Mary[olone.mary@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]  
**Cc:** Isales, Daniel[Isales.Daniel@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Wed 10/26/2016 11:53:17 PM  
**Subject:** RE: Region 4 and REACH

I did talk to Ken about this and gave Ericka the run down. Asked Ericka to check in with Naima and tell her Ken and I spoke.

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

**From:** O'Lone, Mary  
**Sent:** Wednesday, October 26, 2016 2:11 PM  
**To:** Dorka, Lilian <Dorka.Lilian@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>  
**Cc:** Isales, Daniel <Isales.Daniel@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>  
**Subject:** RE: Region 4 and REACH

Lilian-

Following up on people from R4 going with us, would you please make a request to Ken/R4 for either inspectors or investigators who work in the CAFO area to go with us on the site visit. We want to make sure they'd be able to go that week as well.

Also, we think we need to make a formal request for GIS assistance. Ravi has been assisting us, but no official request has been made yet for his or anyone else's help. Now enough of his time is being eaten up that we really need to. Jeryl says he may not be their official GIS person, but he does know how to do it & was a person she was pointed to when asking about GIS in the context of an EJ Screen presentation.

So perhaps your email could make the request generically for GIS assistance and mention that OCR has been talking to Ravi. We want to thank R4 for the time Ravi has spent with us & he has been very helpful as we try to figure out what can be done & what products we need from GIS. Now that we know what GIS & demographic assistance we need, we realize a more formal request is necessary so we are mindful of R4's resource allocations. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** Dorka, Lilian

**Sent:** Wednesday, October 26, 2016 1:53 PM

**To:** Farrell, Ericka <[Farrell.Ericka@epa.gov](mailto:Farrell.Ericka@epa.gov)>

**Cc:** O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>; Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>

**Subject:** RE: Region 4 and REACH

Naima was invited to today's call so that she could come up to speed as I hear from Ken that she will participate on the site visit. Can you, Mary or Dan give her a quick call please and bring her up to speed? Thanks!

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

**From:** Farrell, Ericka

**Sent:** Wednesday, October 26, 2016 10:36 AM

**To:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>

**Subject:** Region 4 and REACH

Good Morning Lilian,

Has Region 4 been informed of the week in November we plan on going to North Carolina?

Ericka S. Farrell

Office of Civil Rights

External Compliance Program

202-564-0717

**To:** O'Lone, Mary[olone.mary@epa.gov]  
**Cc:** Rhodes, Julia[Rhodes.Julia@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Wed 10/26/2016 10:14:21 PM  
**Subject:** RE: URGENT - FW: REACH - draft email following up on Oct. 17th meeting

Can I say that we are considering an onsite for the week of 11/14 so we need their input by 11/4? I feel like we need to make this real? Thoughts?

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

**From:** O'Lone, Mary  
**Sent:** Wednesday, October 26, 2016 5:32 PM  
**To:** Dorka, Lilian <Dorka.Lilian@epa.gov>  
**Cc:** Rhodes, Julia <Rhodes.Julia@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>  
**Subject:** URGENT - FW: REACH - draft email following up on Oct. 17th meeting

Lilian-

Just a tickler to remind you to review & send this out.

It has some deadlines you might want to adjust the longer it waits.

Elise & Julia reviewed it before it went down to you on Monday.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel



US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** O'Lone, Mary

**Sent:** Monday, October 24, 2016 5:26 PM

**To:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>

**Cc:** Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>; Farrell, Ericka <[Farrell.Ericka@epa.gov](mailto:Farrell.Ericka@epa.gov)>;

Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Julia Rhodes ([Rhodes.Julia@epa.gov](mailto:Rhodes.Julia@epa.gov))

<[Rhodes.Julia@epa.gov](mailto:Rhodes.Julia@epa.gov)>; Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>

**Subject:** REACH - draft email following up on Oct. 17th meeting

Lilian –Here is a draft of the follow-up email from our Oct. 17<sup>th</sup> meeting. The list of remedies sent by complainants referenced in the email is attached. Thanks, Mary

**Deliberative Process/ Atty Client / Ex. 5**

**Deliberative Process/ Atty Client / Ex. 5**

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**Deliberative Process/ Atty Client / Ex. 5**

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**Cc:** Isales, Daniel[Isales.Daniel@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; O'Lone, Mary[OLone.Mary@epa.gov]; HALIM-CHESTNUT, NAIMA[Halim-Chestnut.Naima@epa.gov]; Tommelleo, Nancy[Tommelleo.Nancy@epa.gov]  
**To:** Lapierre, Kenneth[Lapierre.Kenneth@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Wed 11/23/2016 2:10:33 PM  
**Subject:** REACH Request for Assistance from Region 4 re GIS Data

Hi Ken,

I am following up on my earlier request for R4 assistance with GIS and demographic analyses. As I mentioned, Ravi Rao has been very helpful as the investigatory team determines what GIS analyses are possible & what GIS products/analyses we will need related to RNO data of the residents living closest to these facilities. We now have a better idea of the GIS & demographic assistance needed for this case and realize a more formal request for GIS assistance is necessary as we are mindful of R4's resource allocations.

We will need some GIS maps and demographic analyses prepared in the next week or so looking at a several variations of the demographic breakdowns of populations surrounding NC swine farms. Could you please let me know ASAP if Ravi or others can help us get these analyses? As always, thank you so much for all your support. Lilian

---

**From:** Dorka, Lilian  
**Sent:** Thursday, October 27, 2016 6:37 PM  
**To:** Lapierre, Kenneth  
**Cc:** Farrell, Ericka; O'Lone, Mary; Covington, Jeryl; Isales, Daniel; Rhodes, Julia; HALIM-CHESTNUT, NAIMA; Peurifoy, Cynthia; Johnson, Johahna; Wilson, Adam  
**Subject:** REACH Case Onsite Visit Planning and Requests for Assistance from Region 4 re GIS Data

Hi Ken-

As you know, we are in the process of setting up an onsite visit to North Carolina the week of November 14<sup>th</sup> for 2 or 3 days to conduct interviews of individual residents. As I mentioned to you when you were in town last week, OCR would appreciate the assistance of 1 or 2 staff people from R4 who have technical experience in the area of CAFO operations. I assume R4

## Deliberative Process / Ex. 5

Also, we are scheduling a series of planning meetings for the onsite and will need those on the

team travelling to North Carolina to join those meetings so that everyone will be on the same page and well integrated into the planning of the onsite. We have made some preliminary asks of the complainants (REACH) for feedback re the date, timing, witness availability/participation, etc., and will be following up with a conference call with Marianne and the other attorneys and, as of now, is scheduled for next Tuesday, 11/1 from 9-10 AM. **Ericka** will send out a calendar invite to the whole case team with conference line info, etc.

Also related to this case, we are in need of Region 4's resources with respect to GIS assistance. Jeryl & Mary have been speaking with Ravi Rao in your office who has been very helpful as the investigatory team determines what GIS analyses are possible & what GIS products/analyses we will need related to RNO data of the residents living closest to these facilities. Now that we have a better idea of the GIS & demographic assistance we need for the case, we realize a more formal request for GIS assistance is necessary as we are mindful of R4's resource allocations. We will need some GIS maps and demographic analyses prepared in the next week or so looking at a several variations of the demographic breakdowns of populations surrounding NC swine farms. Please let me know ASAP if Ravi or others will be able to assist us with these analyses. As always, thanks you so much for all your support.  
Lilian

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

**To:** Robbins, Chris[Robbins.Chris@epa.gov]  
**Cc:** Kavlock, Robert[Kavlock.Robert@epa.gov]; Hauchman, Fred[hauchman.fred@epa.gov]; Fegley, Robert[Fegley.Robert@epa.gov]; Deener, Kathleen[Deener.Kathleen@epa.gov]; O'Lone, Mary[olone.mary@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Tue 1/10/2017 3:48:34 PM  
**Subject:** RE: NEED YOUR ASSISTANCE WITH URGENT REVIEW OF DRAFT LETTER OF CONCERN TO NC DEQ RE HOG OPERATIONS CIVIL RIGHTS CASE  
[draft REACH LOC to NC DEQ 1.4.2017.CLEAN 1-5-16 ORD 010917.docx](#)

Thanks so much for all of your help ORD colleagues!!

**From:** Robbins, Chris  
**Sent:** Tuesday, January 10, 2017 10:39 AM  
**To:** Dorka, Lilian <Dorka.Lilian@epa.gov>  
**Cc:** Kavlock, Robert <Kavlock.Robert@epa.gov>; Hauchman, Fred <hauchman.fred@epa.gov>; Fegley, Robert <Fegley.Robert@epa.gov>; Deener, Kathleen <Deener.Kathleen@epa.gov>  
**Subject:** RE: NEED YOUR ASSISTANCE WITH URGENT REVIEW OF DRAFT LETTER OF CONCERN TO NC DEQ RE HOG OPERATIONS CIVIL RIGHTS CASE

Hi Lilian,

Attached please find an updated version in response to the questions you raised. Please let us know if you need any additional information. Thanks!

Chris

Chris Robbins

Deputy Assistant Administrator for Management (Acting)

Office of Research and Development

(919) 541-0605

(202) 564 6141

[robbins.chris@epa.gov](mailto:robbins.chris@epa.gov)

**From:** Dorka, Lilian

**Sent:** Thursday, January 05, 2017 6:22 PM

**To:** Shaw, Betsy <[Shaw.Betsy@epa.gov](mailto:Shaw.Betsy@epa.gov)>; Robbins, Chris <[Robbins.Chris@epa.gov](mailto:Robbins.Chris@epa.gov)>; Shapiro, Mike <[Shapiro.Mike@epa.gov](mailto:Shapiro.Mike@epa.gov)>; Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Breen, Barry <[Breen.Barry@epa.gov](mailto:Breen.Barry@epa.gov)>

**Cc:** Garbow, Avi <[Garbow.Avi@epa.gov](mailto:Garbow.Avi@epa.gov)>; Shenkman, Ethan <[Shenkman.Ethan@epa.gov](mailto:Shenkman.Ethan@epa.gov)>; O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>; Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Lapierre, Kenneth <[Lapierre.Kenneth@epa.gov](mailto:Lapierre.Kenneth@epa.gov)>

**Subject:** NEED YOUR ASSISTANCE WITH URGENT REVIEW OF DRAFT LETTER OF CONCERN TO NC DEQ RE HOG OPERATIONS CIVIL RIGHTS CASE

**Importance:** High

Hello ORD, OECA, OW, OAR and OLEM Colleagues,

Happy new year and best wishes for 2017! Thank you all so much for all of the assistance you have already provided on this on this high priority case involving NC DEQ's administration of the swine feeding operations in their state. We are again asking for your assistance by way of urgent review of the attached "Letter of Concern" that we anticipate issuing next week. This draft already reflects comments/edits from OGC, DOJ, Region 4 and ORD.

ORD, thanks for your assistance in crafting some of the specific parts of this letter. We have a couple of follow up questions for you in the highlighted comment boxes. We are asking for the other program offices to please review this letter (and please see specifically the comment bubble on page 11) and provide any comments/question **by noon on Tuesday 1/10**. We very much appreciate your help! If you have any questions, please let me or Mary O'Lone know how we can help. Thanks so much!

Lilian





**To:** O'Lone, Mary[OLone.Mary@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Mon 1/9/2017 2:46:09 PM  
**Subject:** Re: REACH - updated draft of proposed letter of concern

Thanks Mary!

---

**From:** O'Lone, Mary  
**Sent:** Monday, January 9, 2017 9:44 AM  
**To:** Dorka, Lilian  
**Subject:** RE: REACH - updated draft of proposed letter of concern

I agree & will adopt those.

Got an early unofficial response from ORD on one of the questions asked, so will do that too.

I will send you & others a redline once we get all the comments.

Thanks, Mary

Mary M. O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** Dorka, Lilian  
**Sent:** Monday, January 09, 2017 9:20 AM  
**To:** O'Lone, Mary <OLone.Mary@epa.gov>  
**Subject:** Re: REACH - updated draft of proposed letter of concern

I don't have a huge problem with any of their suggested edits. Let's try and make them. I think we are down to word-smithing now though so I think it's a go.

---

**From:** O'Lone, Mary  
**Sent:** Monday, January 9, 2017 9:02 AM  
**To:** 'Stoneman, Christine (CRT)'; Lareau, Alyssa (CRT)  
**Cc:** Neal, Daria (CRT); Gelman, Laurie (CRT); Dorka, Lilian; Isales, Daniel; Packard, Elise  
**Subject:** RE: REACH - updated draft of proposed letter of concern

Alyssa & Christine-

We appreciate all your comments. They have been very helpful.

We will keep you apprised of further movement.

Thanks, Mary

Mary M. O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** Stoneman, Christine (CRT) [<mailto:Christine.Stoneman@usdoj.gov>]  
**Sent:** Saturday, January 07, 2017 3:06 PM  
**To:** Lareau, Alyssa (CRT) <[Alyssa.Lareau@usdoj.gov](mailto:Alyssa.Lareau@usdoj.gov)>; O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>  
**Cc:** Neal, Daria (CRT) <[Daria.Neal@usdoj.gov](mailto:Daria.Neal@usdoj.gov)>; Gelman, Laurie (CRT) <[Laurie.Gelman@usdoj.gov](mailto:Laurie.Gelman@usdoj.gov)>  
**Subject:** RE: REACH - updated draft of proposed letter of concern

Thanks. I've updated Eve and appreciate everyone's time and approach on this matter.

Christine

**From:** Lareau, Alyssa (CRT)  
**Sent:** Saturday, January 7, 2017 2:04 PM  
**To:** O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>  
**Cc:** Stoneman, Christine (CRT) <[Christine.Stoneman@crt.usdoj.gov](mailto:Christine.Stoneman@crt.usdoj.gov)>; Neal, Daria (CRT) <[Daria.Neal@crt.usdoj.gov](mailto:Daria.Neal@crt.usdoj.gov)>; Gelman, Laurie (CRT) <[Laurie.Gelman@crt.usdoj.gov](mailto:Laurie.Gelman@crt.usdoj.gov)>  
**Subject:** RE: REACH - updated draft of proposed letter of concern

Mary,

Thanks for sharing this version of the letter. We appreciate you responding to all our edits and suggestions and think the letter looks great. There are only three remaining non-substantive issues that we wanted to raise.

**Deliberative Process/Atty Client/ Ex. 5**

# Deliberative Process/Atty Client/ Ex. 5

We hope these suggestions are helpful. We are available to discuss if you have any questions.

Thanks,

Alyssa

**From:** O'Lone, Mary [<mailto:OLone.Mary@epa.gov>]

**Sent:** Friday, January 06, 2017 1:39 PM

**To:** Lareau, Alyssa (CRT)

**Subject:** RE: REACH - updated draft of proposed letter of concern

Alyssa-

Did I send you the updated draft with new sections highlighted this morning?

I am sure I did, but I can't find the outgoing email

Sending it again just in case.

Thanks, Mary

Mary M. O'Lone

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**From:** Lareau, Alyssa (CRT) [<mailto:Alyssa.Lareau@usdoj.gov>]

**Sent:** Thursday, January 05, 2017 11:46 PM

**To:** O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>

**Subject:** Re: REACH - updated draft of proposed letter of concern

That is perfect

On Jan 5, 2017, at 4:20 PM, O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)> wrote:

Our phones, internet & everything else has been out for a couple of hours. You may not see the re-draft until tomorrow – but literally the difference btwn drafts should be about 4 sentences.

It hasn't gone out here yet either – so I can give you a little extension until COB Monday. Still trying to get it out next week.

Thanks, Mary

Mary M. O'Lone

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US EPA

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Washington, DC 20460

(202) 564-4992

**From:** Lareau, Alyssa (CRT) [<mailto:Alyssa.Lareau@usdoj.gov>]  
**Sent:** Thursday, January 05, 2017 1:00 PM  
**To:** O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>  
**Subject:** Re: REACH - updated draft of proposed letter of concern

Or any other color :)

On Jan 5, 2017, at 12:50 PM, Lareau, Alyssa (CRT) <[Alyssa.Lareau@crt.usdoj.gov](mailto:Alyssa.Lareau@crt.usdoj.gov)> wrote:

Thanks! Is it possible for you to highlight in blue the new stuff that you send this afternoon?

**From:** O'Lone, Mary [<mailto:OLone.Mary@epa.gov>]  
**Sent:** Thursday, January 05, 2017 12:47 PM  
**To:** Lareau, Alyssa (CRT)  
**Subject:** RE: REACH - updated draft of proposed letter of concern

Lilian is taking material in some of my later bubbles that aren't the ones asking ORD or programs to do something. Some of that language from the bubbles is moving into the text.

**Deliberative Process/Atty Client/ Ex. 5**

I will send you the next version when it comes, but the changes aren't going to be

major. I just wanted you to know that there is yet another version coming. I should get it this afternoon.

Thanks, Mary

Mary M. O'Lone

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Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** Lareau, Alyssa (CRT) [<mailto:Alyssa.Lareau@usdoj.gov>]

**Sent:** Thursday, January 05, 2017 11:05 AM

**To:** O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>

**Subject:** Re: REACH - updated draft of proposed letter of concern

Thanks! Taking a look.

On Jan 5, 2017, at 8:59 AM, O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)> wrote:

Drat. I sent the wrong version. Here is the updated one.

The redline is new text that Lilian hadn't seen before. There is nothing magic about it.

Thanks, Mary

Mary M. O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** O'Lone, Mary

**Sent:** Wednesday, January 04, 2017 5:45 PM

**To:** 'Lareau, Alyssa (CRT)' <[Alyssa.Lareau@usdoj.gov](mailto:Alyssa.Lareau@usdoj.gov)>

**Subject:** RE: REACH - updated draft of proposed letter of concern

Alyssa-

Sorry I couldn't circle back with you. Here is the current draft. It is undergoing review by other parts of EPA. Please let me know if you all have any other comments by the end of this week. We are hoping to get it out next week.

I hope I addressed your earlier comments.

Thanks, Mary

Mary M. O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460



(202) 564-4992

**From:** Lareau, Alyssa (CRT) [<mailto:Alyssa.Lareau@usdoj.gov>]  
**Sent:** Tuesday, January 03, 2017 4:30 PM  
**To:** O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>  
**Subject:** RE: REACH - updated draft of proposed letter of concern

OK I am free now.

**From:** O'Lone, Mary [<mailto:OLone.Mary@epa.gov>]  
**Sent:** Tuesday, January 03, 2017 1:23 PM  
**To:** Lareau, Alyssa (CRT)  
**Subject:** FW: REACH - updated draft of proposed letter of concern

Alyssa-

Can you talk today? I have just a couple of quick questions on the comments.

Thanks, Mary

Mary M. O'Lone  
Civil Rights and Finance Law Office  
Office of General Counsel  
US EPA  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
(202) 564-4992

**From:** Packard, Elise

**Sent:** Wednesday, December 28, 2016 3:55 PM  
**To:** O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>  
**Subject:** FW: REACH - updated draft of proposed letter of concern

So sorry, just found this!

Elise B. Packard

Associate General Counsel for Civil Rights and Finance

U.S. EPA Office of General Counsel, Rm. 7353C

(202) 564-7729

**From:** Lareau, Alyssa (CRT) [<mailto:Alyssa.Lareau@usdoj.gov>]  
**Sent:** Friday, December 23, 2016 12:05 PM  
**To:** Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>  
**Cc:** Neal, Daria (CRT) <[Daria.Neal@usdoj.gov](mailto:Daria.Neal@usdoj.gov)>; Stoneman, Christine (CRT) <[Christine.Stoneman@usdoj.gov](mailto:Christine.Stoneman@usdoj.gov)>; Gelman, Laurie (CRT) <[Laurie.Gelman@usdoj.gov](mailto:Laurie.Gelman@usdoj.gov)>  
**Subject:** RE: REACH - updated draft of proposed letter of concern

Elise,

Attached please find FCS's comments on Mary's most recent draft. I am available to discuss or answer any questions at your leisure. If at all possible, we'd love to see the next version before the letter goes out.

Happy holidays!

Alyssa

Alyssa C. Lareau

Attorney

Federal Coordination and Compliance Section

U.S. Department of Justice - Civil Rights Division

Direct: (202) 305-2994 [voice]

[alyssa.lareau@usdoj.gov](mailto:alyssa.lareau@usdoj.gov)

<http://www.justice.gov/crt/about/cor/>

**From:** Packard, Elise [<mailto:Packard.Elise@epa.gov>]  
**Sent:** Tuesday, December 20, 2016 2:04 PM  
**To:** Stoneman, Christine (CRT)  
**Cc:** Lareau, Alyssa (CRT); Neal, Daria (CRT)  
**Subject:** RE: REACH - updated draft of proposed letter of concern

Thank you all!!! Appreciate the help at this tricky juncture.

Elise B. Packard

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**Sent:** Tuesday, December 20, 2016 1:09 PM  
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**Cc:** Lareau, Alyssa (CRT) <[Alyssa.Lareau@usdoj.gov](mailto:Alyssa.Lareau@usdoj.gov)>; Neal, Daria (CRT) <[Daria.Neal@usdoj.gov](mailto:Daria.Neal@usdoj.gov)>  
**Subject:** RE: REACH - updated draft of proposed letter of concern

Thank you, Elise.

## **Ex. 5 - Deliberative Process**

Thank you,

Christine

<draft REACH LOC to NC DEQ 1.4.2017.redline.docx>

**To:** O'Lone, Mary[OLone.Mary@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Mon 1/9/2017 2:20:24 PM  
**Subject:** Re: REACH - updated draft of proposed letter of concern

I don't have a huge problem with any of their suggested edits. Let's try and make them. I think we are down to word-smithing now though so I think it's a go.

---

**From:** O'Lone, Mary  
**Sent:** Monday, January 9, 2017 9:02 AM  
**To:** 'Stoneman, Christine (CRT)'; Lareau, Alyssa (CRT)  
**Cc:** Neal, Daria (CRT); Gelman, Laurie (CRT); Dorka, Lilian; Isales, Daniel; Packard, Elise  
**Subject:** RE: REACH - updated draft of proposed letter of concern

Alyssa & Christine-

We appreciate all your comments. They have been very helpful.

We will keep you apprised of further movement.

Thanks, Mary

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## **Ex. 5 - Deliberative Process/ Atty Client**

## Ex. 5 - Deliberative Process/ Atty Client

We hope these suggestions are helpful. We are available to discuss if you have any questions.

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US EPA  
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Washington, DC 20460  
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**From:** Packard, Elise  
**Sent:** Wednesday, December 28, 2016 3:55 PM  
**To:** O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>  
**Subject:** FW: REACH - updated draft of proposed letter of concern

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Associate General Counsel for Civil Rights and Finance  
U.S. EPA Office of General Counsel, Rm. 7353C

(202) 564-7729

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Happy holidays!

Alyssa

Alyssa C. Lareau

Attorney

Federal Coordination and Compliance Section

U.S. Department of Justice - Civil Rights Division

Direct: (202) 305-2994 [voice]

[alyssa.lareau@usdoj.gov](mailto:alyssa.lareau@usdoj.gov)

<http://www.justice.gov/crt/about/cor/>

**From:** Packard, Elise [<mailto:Packard.Elise@epa.gov>]  
**Sent:** Tuesday, December 20, 2016 2:04 PM  
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**Cc:** Lareau, Alyssa (CRT); Neal, Daria (CRT)  
**Subject:** RE: REACH - updated draft of proposed letter of concern

Thank you all!!! Appreciate the help at this tricky juncture.

Elise B. Packard

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**Cc:** Lareau, Alyssa (CRT) <[Alyssa.Lareau@usdoj.gov](mailto:Alyssa.Lareau@usdoj.gov)>; Neal, Daria (CRT) <[Daria.Neal@usdoj.gov](mailto:Daria.Neal@usdoj.gov)>  
**Subject:** RE: REACH - updated draft of proposed letter of concern

Thank you, Elise.

## Ex. 5 - Deliberative Process

Thank you,

Christine

<draft REACH LOC to NC DEQ 1.4.2017.redline.docx>

**To:** Shaw, Betsy[Shaw.Betsy@epa.gov]; Robbins, Chris[Robbins.Chris@epa.gov]; Shapiro, Mike[Shapiro.Mike@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]  
**Cc:** Garbow, Avi[Garbow.Avi@epa.gov]; Shenkman, Ethan[Shenkman.Ethan@epa.gov]; O'Lone, Mary[olone.mary@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]; Lapierre, Kenneth[lapierre.kenneth@epa.gov]  
**No String Available:** Hilosky, Nick[Hilosky.Nick@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Thur 1/5/2017 11:22:05 PM  
**Subject:** NEED YOUR ASSISTANCE WITH URGENT REVIEW OF DRAFT LETTER OF CONCERN TO NC DEQ RE HOG OPERATIONS CIVIL RIGHTS CASE  
[draft REACH LOC to NC DEQ 1.4.2017.CLEAN 1-5-16.docx](#)

Hello ORD, OECA, OW, OAR and OLEM Colleagues,

Happy new year and best wishes for 2017! Thank you all so much for all of the assistance you have already provided on this on this high priority case involving NC DEQ's administration of the swine feeding operations in their state. We are again asking for your assistance by way of urgent review of the attached "Letter of Concern" that we anticipate issuing next week. This draft already reflects comments/edits from OGC, DOJ, Region 4 and ORD.

ORD, thanks for your assistance in crafting some of the specific parts of this letter. We have a couple of follow up questions for you in the highlighted comment boxes. We are asking for the other program offices to please review this letter (and please see specifically the comment bubble on page 11) and provide any comments/question **by noon on Tuesday 1/10**. We very much appreciate your help! If you have any questions, please let me or Mary O'Lone know how we can help. Thanks so much!

Lilian



**To:** O'Lone, Mary[OLone.Mary@epa.gov]  
**Cc:** Packard, Elise[Packard.Elise@epa.gov]; Shenkman, Ethan[Shenkman.Ethan@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Tue 1/3/2017 1:01:22 AM  
**Subject:** Re: DRAFT REACH LETTER TO NC DEQ

Thanks very much Mary! Let's connect on Tuesday to go over the letter and what's left to do. Are you available about 10?

Sent from my iPhone

On Dec 31, 2016, at 6:25 PM, O'Lone, Mary <OLone.Mary@epa.gov> wrote:

All-

## **Ex. 5 - Atty Client/Deliberative Process**

I can pick this up again on Tuesday.

Thanks, Mary

Mary M. O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** Dorka, Lilian

**Sent:** Tuesday, December 27, 2016 10:57 AM

**To:** Lapierre, Kenneth <[Lapierre.Kenneth@epa.gov](mailto:Lapierre.Kenneth@epa.gov)>

**Cc:** HALIM-CHESTNUT, NAIMA <[Halim-Chestnut.Naima@epa.gov](mailto:Halim-Chestnut.Naima@epa.gov)>; Tommelleo, Nancy <[Tommelleo.Nancy@epa.gov](mailto:Tommelleo.Nancy@epa.gov)>; Peurifoy, Cynthia <[Peurifoy.Cynthia@epa.gov](mailto:Peurifoy.Cynthia@epa.gov)>; O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>; Rhodes, Julia <[Rhodes.Julia@epa.gov](mailto:Rhodes.Julia@epa.gov)>; Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>; Shenkman, Ethan <[Shenkman.Ethan@epa.gov](mailto:Shenkman.Ethan@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Farrell, Ericka <[Farrell.Ericka@epa.gov](mailto:Farrell.Ericka@epa.gov)>; Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>; Wilson, Adam <[wilson.adam@epa.gov](mailto:wilson.adam@epa.gov)>

**Subject:** DRAFT REACH LETTER TO NC DEQ

Hello Ken, hope you had a wonderful Christmas. Attached is the latest draft of the proposed letter to NC DEQ that we hope to issue beginning of January. This version reflects staff level comments from OCR, GC, DOJ, has some additional comments from me. The attached does not reflect Ethan's comments or DOJ senior level yet, but I thought we should get this to you ASAP to expedite review. Please let me know if you have any questions. Thanks and Happy New Year!  
Lilian

<draft REACH LOC to NC DEQ 12.31.2016.docx>

**To:** Matthew, Dayna[Matthew.Dayna@epa.gov]  
**Cc:** O'Lone, Mary[OLone.Mary@epa.gov]; Hall, William[Hall.William@epa.gov]; Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Thur 3/5/2015 12:03:16 AM  
**Subject:** Re: UUPDATED draft email for NC DENR

And I owe Mary and Helena feedback on the latest draft of the RFI. I brought it home so that I can provide that ASAP tomorrow.

Sent from my iPhone

On Mar 4, 2015, at 5:19 PM, Matthew, Dayna <Matthew.Dayna@epa.gov> wrote:

All,

Is there a plan to reschedule the REACH team meeting that could not happen today due to the DCRO meeting? Lilian is on the way out of town and it may be wise to have a conversation about this email and next steps for the week before she leaves. Let me know how I can help

Dayna

**From:** Dorka, Lilian  
**Sent:** Wednesday, March 04, 2015 12:18 PM  
**To:** O'Lone, Mary; Hall, William; Matthew, Dayna; Wooden-Aguilar, Helena  
**Cc:** Rhodes, Julia  
**Subject:** RE: UUPDATED draft email for NC DENR

Thanks Mary! I find the two sentences in yellow below a little confusing. I also have some suggested edits and clarification questions. See below. Thanks again! Lilian

**From:** O'Lone, Mary  
**Sent:** Wednesday, March 04, 2015 11:56 AM  
**To:** Hall, William; Matthew, Dayna; Dorka, Lilian; Wooden-Aguilar, Helena  
**Cc:** Rhodes, Julia  
**Subject:** UUPDATED draft email for NC DENR

All-

I put the Will/Dayna edits in. Also, so you know I briefed Avi & Ethan on REACH this morning. Avi asked to see the draft of the email. It is unclear if he wanted to see it for his edification or to review. Anyway, I told him V probably wanted to get it out later today, so if they had comments or concerns to let me know ASAP. I also told them I would be out at the DCRO meeting most of the rest of the day & won't be able to check my email until late in the day. Here is the current draft.

## **Ex. 5 - Deliberative Process/ Atty Client**

## **Ex. 5 - Deliberative Process/ Atty Client**

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** Hall, William

**Sent:** Wednesday, March 04, 2015 11:27 AM

**To:** Matthew, Dayna; O'Lone, Mary; Dorka, Lilian; Wooden-Aguilar, Helena

**Subject:** RE: draft email for NC DENR

Great. And indeed, that was the intent! We're nothing if not friendly here in ADR-land. ;-  
)

Will

---

**William E. Hall, Ph.D.**

Conflict Prevention and Resolution Center

U.S. Environmental Protection Agency

"Making Agreement Easier" | (202) 564-0214

<http://intranet.epa.gov/adr> or <http://www.epa.gov/adr>

**From:** Matthew, Dayna

**Sent:** Wednesday, March 04, 2015 11:23 AM  
**To:** Hall, William; O'Lone, Mary; Dorka, Lilian; Wooden-Aguilar, Helena  
**Subject:** RE: draft email for NC DENR

Colorful. I'd like to accept all green edits as "friendly amendments" !

**From:** Hall, William  
**Sent:** Wednesday, March 04, 2015 11:22 AM  
**To:** Matthew, Dayna; O'Lone, Mary; Dorka, Lilian; Wooden-Aguilar, Helena  
**Subject:** RE: draft email for NC DENR

My thoughts, in green, below.

---

**William E. Hall, Ph.D.**  
Conflict Prevention and Resolution Center  
U.S. Environmental Protection Agency  
"Making Agreement Easier" | (202) 564-0214  
<http://intranet.epa.gov/adr> or <http://www.epa.gov/adr>

**From:** Matthew, Dayna  
**Sent:** Wednesday, March 04, 2015 10:59 AM  
**To:** O'Lone, Mary; Hall, William; Dorka, Lilian; Wooden-Aguilar, Helena  
**Subject:** RE: draft email for NC DENR

Some thoughts on editing Mary's draft below in red. Trying to clarify and sound upbeat

**From:** O'Lone, Mary  
**Sent:** Wednesday, March 04, 2015 10:42 AM  
**To:** Hall, William; Matthew, Dayna  
**Subject:** FW: draft email for NC DENR

I botched your addresses & got bounce backs from you two. Please see below.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** O'Lone, Mary

**Sent:** Wednesday, March 04, 2015 10:40 AM

**To:** Dorka, Lilian; Wooden-Aguilar, Helena; '[matthew.dayna@ep.gov](mailto:matthew.dayna@ep.gov)'; '[hall.will@epa.gov](mailto:hall.will@epa.gov)'

**Cc:** Covington, Jeryl

**Subject:** draft email for NC DENR

I have not cc'd Velveta. I wanted you all to work through it first. Thanks, Mary

## **Ex. 5 - Deliberative Process/ Atty Client**

## **Ex. 5 - Deliberative Process/ Atty Client**

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992



**To:** O'Lone, Mary[OLone.Mary@epa.gov]; Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]  
**Cc:** Matthew, Dayna[Matthew.Dayna@epa.gov]; Hall, William[Hall.William@epa.gov]; Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Wed 3/4/2015 11:54:55 PM  
**Subject:** Re: UUVELVETA: draft email for NC DENR

Hi Mary thanks for incorporating my comments. I think at this point, we should share this latest draft with Velvwta for her review. I am including her here. Velveta, our latest draft is below.  
Thanks! Lilian

## Ex. 5 - Deliberative Process

Sent from my iPhone

On Mar 4, 2015, at 6:31 PM, O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)> wrote:

Lilian-

I think you may have missed the email where I had incorporated your suggested edits & added the missing word (deadline).

I don't know if we are going to have time to meet. I have jury duty tomorrow if the

govt doesn't get shut down.

## **Ex. 5 - Deliberative Process/ Atty Client**

I just got a "Thanks, Mary" from Avi, so I think it is safe to say he wanted to see it for his edification.

## **Ex. 5 - Deliberative Process/ Atty Client**

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

---

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All,

Is there a plan to reschedule the REACH team meeting that could not happen today due to the DCRO meeting? Lilian is on the way out of town and it may be wise to have a conversation about this email and next steps for the week before she leaves. Let me know how I can help

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I put the Will/Dayna edits in. Also, so you know I briefed Avi & Ethan on REACH this morning. Avi asked to see the draft of the email. It is unclear if he wanted to see it for his edification or to review. Anyway, I told him V probably wanted to get it out later today, so if they had comments or concerns to let me know ASAP. I also told them I would be out at the DCRO meeting most of the rest of the day & won't be able to check my email until late

in the day. Here is the current draft.

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Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

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Will

---

**William E. Hall, Ph.D.**

Conflict Prevention and Resolution Center

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<http://intranet.epa.gov/adr> or <http://www.epa.gov/adr>

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My thoughts, in green, below.

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**William E. Hall, Ph.D.**

Conflict Prevention and Resolution Center

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Mary O'Lone

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Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

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**To:** Dorka, Lilian; Wooden-Aguilar, Helena; '[matthew.dayna@ep.gov](mailto:matthew.dayna@ep.gov)'; '[hall.will@epa.gov](mailto:hall.will@epa.gov)'  
**Cc:** Covington, Jeryl  
**Subject:** draft email for NC DENR

I have not cc'd Velveta. I wanted you all to work through it first. Thanks, Mary

## **Ex. 5 - Deliberative Process/ Atty Client**

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992



**To:** O'Lone, Mary[o'lonemary@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Mon 3/14/2016 1:32:59 AM  
**Subject:** Fwd: EPA OCR Complaint 11R-14-R4 (ADR)

Hi guys, so if we pick up where we left off, we need to pull out the draft RFI we had written and take a new look right? I think we also shared that w DOJ, or am I not remembering correctly?

Sent from my iPhone

Begin forwarded message:

**From:** "Shaw, Betsy" <Shaw.Betsy@epa.gov>  
**Date:** March 10, 2016 at 9:19:45 AM EST  
**To:** "Golightly-Howell, Velveta" <Golightly-Howell.Velveta@epa.gov>  
**Cc:** "Dorka, Lilian" <Dorka.Lilian@epa.gov>, "Covington, Jeryl" <Covington.Jeryl@epa.gov>, "Farrell, Ericka" <Farrell.Ericka@epa.gov>, "Temple, Kurt" <Temple.Kurt@epa.gov>, "Packard, Elise" <Packard.Elise@epa.gov>, "Rhodes, Julia" <Rhodes.Julia@epa.gov>, "O'Lone, Mary" <o'lonemary@epa.gov>, "Harrell, Collette" <Harrell.Collette@epa.gov>, "Shapiro, Mike" <Shapiro.Mike@epa.gov>, "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>, "Koerber, Mike" <Koerber.Mike@epa.gov>, "Schrock, Bill" <Schrock.Bill@epa.gov>  
**Subject:** RE: EPA OCR Complaint 11R-14-R4 (ADR)

Hi Velveta,

The points of contact for OAR will be Bill Schrock and Mike Koerber in OAQPS.

Thanks,

Betsy

**From:** Golightly-Howell, Velveta  
**Sent:** Wednesday, March 09, 2016 11:58 AM

**To:** Shaw, Betsy <[Shaw.Betsy@epa.gov](mailto:Shaw.Betsy@epa.gov)>; Shapiro, Mike <[Shapiro.Mike@epa.gov](mailto:Shapiro.Mike@epa.gov)>;  
Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>  
**Cc:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Covington, Jeryl  
<[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Farrell, Ericka <[Farrell.Ericka@epa.gov](mailto:Farrell.Ericka@epa.gov)>; Temple, Kurt  
<[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>; Rhodes, Julia  
<[Rhodes.Julia@epa.gov](mailto:Rhodes.Julia@epa.gov)>; O'Lone, Mary <[o'lane.mary@epa.gov](mailto:o'lane.mary@epa.gov)>; Harrell, Collette  
<[Harrell.Collette@epa.gov](mailto:Harrell.Collette@epa.gov)>  
**Subject:** EPA OCR Complaint 11R-14-R4 (ADR)

Hello Betsy, Mike and Larry. I'm writing to let you know that Marianne Lado Engelman of Earthjustice, the lead representative for complainants, has contacted me regarding REACH. the Title VI discrimination complaint which alleges race and national origin discrimination related to swine feeding operations in North Carolina. Ms. Lado Engelman advised that the complainants have concluded that ADR is unproductive; they therefore request that OCR reinstate its investigation. In requesting commencement of the investigation, Ms. Lado Engelman stated:

"Finally, we wanted to mention that our initial mediation session was interrupted by an effort by the National and North Carolina Pork Councils to interject themselves into the mediation process. Despite the terms of ADR, which included a requirement that mediation be confidential, and despite our clear opposition to their self-styled "motion to intervene" in the complaint and mediation process, five representatives from the Pork Council appeared without notice to Complainants at the first mediation session. Their presence and insistence at playing a role in mediation delayed the start of our session and acted as a form of intimidation of our clients. Representatives from DEQ failed to object to the behavior. Indeed, quite the opposite, they tried to persuade Complainants to consent to bringing the Pork Councils into mediation. We thought it was relevant and important to bring these events to your attention."

FYI, in response to the councils' request to intervene in ADR, in or about January, I notified the requesters that the parties would have to agree to include them and that OCR does not participate in ADR. Ms. Lado Engelman was copied on the response.

As ADR has ended, OCR will relaunch its complaint investigation. Shortly after OCR began the investigation, you provided POCs for your office. We realize that they may have changed. Would you please provide the names of current POCs ASAP and by Friday, 3/18?

Thank you for your ongoing assistance!

Velveta

Velveta Golightly-Howell

Director, Office of Civil Rights

Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Mail Code 1201A

Washington, DC 20460

202-564-6685

**To:** Covington, Jeryl[Covington.Jeryl@epa.gov]  
**Cc:** Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Thur 3/10/2016 2:14:06 AM  
**Subject:** Re: Appears ADR in NC hog CAFO case has fallen apart.

Thanks!

Sent from my iPhone

On Mar 9, 2016, at 8:50 AM, Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)> wrote:

On Monday, Velveta requested that a meeting be scheduled to discuss next steps. Marianne submitted notice that ADR was being discontinued. This next steps meeting has been scheduled for March 21, 2016.

**From:** Wooden-Aguilar, Helena  
**Sent:** Tuesday, March 08, 2016 9:06 PM  
**To:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
**Cc:** Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>  
**Subject:** Re: Appears ADR in NC hog CAFO case has fallen apart.

Yes. Velveta has asked the the CM pull a meeting together. I have not seen any email traffic but Jeryl may know more.

Helena Wooden-Aguilar

Acting Director

Resource Management Staff

Office of Criminal Enforcement, Forensics and Training

U.S. Environmental Protection Agency

202-564-0792 (office)

**Ex. 6 - Personal Privacy**

[wooden-aguilar.helena@epa.gov](mailto:wooden-aguilar.helena@epa.gov)

On Mar 8, 2016, at 9:04 PM, "Dorka, Lilian" <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)> wrote:

I'm assuming Mary notified you guys too on this right?

Sent from my iPhone

Begin forwarded message:

**From:** "Neal, Daria (CRT)" <[Daria.Neal@usdoj.gov](mailto:Daria.Neal@usdoj.gov)>  
**Date:** March 8, 2016 at 10:14:02 AM AST  
**To:** "Dorka, Lilian" <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
**Subject:** FW: Appears ADR in NC hog CAFO case has fallen apart.

Fyi.

**From:** Neal, Daria (CRT)  
**Sent:** Tuesday, March 08, 2016 9:13 AM  
**To:** 'O'Lone, Mary'; Gelman, Laurie (CRT)  
**Cc:** Rhodes, Julia; Lareau, Alyssa (CRT); Goldschmidt, Iris (CRT)  
**Subject:** RE: Appears ADR in NC hog CAFO case has fallen apart.

## Ex. 5 - Deliberative/ Atty Client

Thanks.

Daria

## Ex. 5 - Atty Client/Deliberative Process

## Ex. 5 - Deliberative/ Atty Client

**From:** O'Lone, Mary [<mailto:o'lane.mary@epa.gov>]  
**Sent:** Monday, March 07, 2016 11:07 AM  
**To:** Gelman, Laurie (CRT); Neal, Daria (CRT)  
**Cc:** Rhodes, Julia  
**Subject:** Appears ADR in NC hog CAFO case has fallen apart.

All-

Just a heads up that it looks like the ADR in the NC CAFO case (REACH) has fallen apart.

We will be meeting internally here to discuss next steps.

I am sure that I will be calling you to pick your brains.

OCR will handle whatever more official outreach to you all there will be.

Please forward to Alissa - I can't find her email.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

**To:** Covington, Jeryl[Covington.Jeryl@epa.gov]; Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Wed 3/9/2016 2:04:51 AM  
**Subject:** Fwd: Appears ADR in NC hog CAFO case has fallen apart.

I'm assuming Mary notified you guys too on this right?

Sent from my iPhone

Begin forwarded message:

**From:** "Neal, Daria (CRT)" <[Daria.Neal@usdoj.gov](mailto:Daria.Neal@usdoj.gov)>  
**Date:** March 8, 2016 at 10:14:02 AM AST  
**To:** "Dorka, Lilian" <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
**Subject:** FW: Appears ADR in NC hog CAFO case has fallen apart.

Fyi.

**From:** Neal, Daria (CRT)  
**Sent:** Tuesday, March 08, 2016 9:13 AM  
**To:** 'O'Lone, Mary'; Gelman, Laurie (CRT)  
**Cc:** Rhodes, Julia; Lareau, Alyssa (CRT); Goldschmidt, Iris (CRT)  
**Subject:** RE: Appears ADR in NC hog CAFO case has fallen apart.

## Ex. 5 - Deliberative/ Atty Client

Thanks.

Daria

Ex. 5 - Deliberative/ Atty Client



## Ex. 5 - Deliberative/ Atty Client

**From:** O'Lone, Mary [<mailto:o'lane.mary@epa.gov>]  
**Sent:** Monday, March 07, 2016 11:07 AM  
**To:** Gelman, Laurie (CRT); Neal, Daria (CRT)  
**Cc:** Rhodes, Julia  
**Subject:** Appears ADR in NC hog CAFO case has fallen apart.

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Just a heads up that it looks like the ADR in the NC CAFO case (REACH) has fallen apart.

We will be meeting internally here to discuss next steps.

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OCR will handle whatever more official outreach to you all there will be.

Please forward to Alissa - I can't find her email.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

**To:** Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]  
**Cc:** Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Yon, William[Yon.William@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Thur 9/24/2015 12:56:20 PM  
**Subject:** Re: REACH - March 6th as the date the 180 clock was tolled.

I remembered that it should be in a footnote too but when Jeryl read back the footnotes yesterday it was not clear.

Sent from my iPhone

On Sep 24, 2015, at 8:51 AM, Wooden-Aguilar, Helena <[Wooden-Aguilar.Helena@epa.gov](mailto:Wooden-Aguilar.Helena@epa.gov)> wrote:

Ok.

Will - please get the REACH SCAP from Ericka or Jeryl. The language of when we write the letter should be in a footnote.

Helena Wooden-Aguilar

Acting Director

Resource Management Staff

Office of Criminal Enforcement, Forensics and Training

U.S. Environmental Protection Agency

202-564-0792 (office)

**Ex. 6 - Personal Privacy**

[wooden-aguilar.helena@epa.gov](mailto:wooden-aguilar.helena@epa.gov)

On Sep 24, 2015, at 8:45 AM, "Dorka, Lilian" <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)> wrote:

If that's the case then let's go ahead and say that in this letter too. And Helena and Will, we should include that in the CRM and SCAP I think?

Sent from my iPhone

On Sep 24, 2015, at 8:41 AM, Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)> wrote:

I recall and as noted below, that Will Hall stated that the letter should be issued after the mediator is selected.

**From:** Dorka, Lilian  
**Sent:** Thursday, September 24, 2015 8:39 AM  
**To:** Covington, Jeryl; Farrell, Ericka; Wooden-Aguilar, Helena  
**Cc:** Yon, William  
**Subject:** Re: REACH - March 6th as the date the 180 clock was tolled.

## **Ex. 5 - Deliberative Process**

Sent from my iPhone

On Sep 24, 2015, at 8:36 AM, Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)> wrote:

## **Ex. 5 - Deliberative Process**

Sent from my iPhone

On Sep 24, 2015, at 7:51 AM, Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)> wrote:

## **Ex. 5 - Deliberative Process**

**From:** Dorka, Lilian  
**Sent:** Wednesday, September 23, 2015 9:44 PM  
**To:** Farrell, Ericka  
**Cc:** Covington, Jeryl  
**Subject:** Re: REACH - March 6th as the date the 180 clock was tolled.

Thanks Ericka! Let me know if you think, after you talkers GC, we all need to have a conversation with them. Thx!

Sent from my iPhone

On Sep 23, 2015, at 11:45 AM, Farrell, Ericka  
<[Farrell.Ericka@epa.gov](mailto:Farrell.Ericka@epa.gov)> wrote:

## Ex. 5 - Deliberative Process

**From:** Golightly-Howell, Velveta  
**Sent:** Friday, August 21, 2015 10:21 AM  
**To:** Rhodes, Julia  
**Cc:** Covington, Jeryl; Dorka, Lilian; Temple, Kurt; Wooden-Aguilar, Helena; O'Lone, Mary; Moffa, Anthony; Farrell, Ericka  
**Subject:** Re: REACH - March 6th as the date the 180 clock was tolled.

Thanks Julia. Velveta

Sent from my iPhone

On Aug 21, 2015, at 8:46 AM, Rhodes, Julia  
<[Rhodes.Julia@epa.gov](mailto:Rhodes.Julia@epa.gov)> wrote:

Hi Velveta, CRFLO is still reviewing the letter and will be cognizant of the interests expressed in your email as we do so.

Julia Rhodes

Assistant General Counsel for the Civil Rights Practice  
Group

Civil Rights and Finance Law Office

Office of General Counsel

Environmental Protection Agency

1200 Pennsylvania Avenue, NW, 2399A

Washington, DC 20460

Phone: 202.564.1417

**From:** Golightly-Howell, Velveta

**Sent:** Thursday, August 20, 2015 6:40 PM

**To:** Covington, Jeryl

**Cc:** Dorka, Lilian; Temple, Kurt; Wooden-Aguilar, Helena;  
Rhodes, Julia; O'Lone, Mary; Moffa, Anthony; Farrell, Ericka

**Subject:** Re: REACH - March 6th as the date the 180 clock  
was tolled.

Thanks Jeryl. Please consult Julia re: including some indication that Ms. Lado Engleman was directed to the website ADR Fact Sheet which contains the specific advisement. I am uncomfortable just letting what she may have said to the media about expecting a decision and even assuming she didn't, with the mere reporting of this. I'm open to all options. There comes a time, though, when OCR has to stand strong and go on the offensive.

Velveta

Sent from my iPhone

On Aug 20, 2015, at 12:59 PM, Covington, Jeryl  
<[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)> wrote:

For consideration-

OCR has a draft tolling letter prepared for REACH and under review by OGC (attached). Nonetheless, the draft does not reference prior email communications, the request for clarification, or address the complainant's request to complete an interview of t

Ex. 6 - Personal Privacy

## Ex. 5 - Deliberative Process

**From:** O'Lone, Mary  
**Sent:** Thursday, August 20, 2015 10:54 AM  
**To:** Covington, Jeryl  
**Cc:** Rhodes, Julia  
**Subject:** FW: REACH - March 6th as the date the 180 clock was tolled.

Jeryl-

## Ex. Deliberative/ Atty Client

## **Ex. Deliberative/ Atty Client**

Let me know what you all want me to review only that bare bones letter or to wait until you produce something that has a little more to it. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** O'Lone, Mary

**Sent:** Friday, March 27, 2015 4:26 PM

**To:** Golightly-Howell, Velveta; Wooden-Aguilar, Helena; Matthew, Dayna; Dorka, Lilian

**Cc:** Rhodes, Julia; Covington, Jeryl; Farrell, Ericka; Moffa, Anthony; Hall, William

**Subject:** REACH - March 6th as the date the 180 clock was tolled.



**Ex. 5 - Deliberative Process/ Atty Client**

Have a good weekend. Mary

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**From:** Hall, William

**Sent:** Friday, March 27, 2015 11:29 AM

**To:** O'Lone, Mary

**Subject:** RE: Questions about dates

## Ex. 5 - Deliberative Process

Will

---

**William E. Hall, Ph.D.**

Conflict Prevention and Resolution Center

U.S. Environmental Protection Agency

"Making Agreement Easier" | (202) 564-0214

<http://intranet.epa.gov/adr> or <http://www.epa.gov/adr>

**From:** O'Lone, Mary  
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**To:** Hall, William  
**Subject:** Questions about dates

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You had your first solo follow up with NC DENR on what date?

And the date when you had your first solo follow-up call with Earthjustice?

## **Ex. 5 - Deliberative Process**

Thanks, Mary

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<11R-14-R4 ADR Vaart (08202015).docx>

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**To:** Covington, Jeryl[Covington.Jeryl@epa.gov]  
**Cc:** Farrell, Ericka[Farrell.Ericka@epa.gov]; Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Yon, William[Yon.William@epa.gov]  
**From:** Dorka, Lilian  
**Sent:** Thur 9/24/2015 12:45:48 PM  
**Subject:** Re: REACH - March 6th as the date the 180 clock was tolled.

If that's the case then let's go ahead and say that in this letter too. And Helena and Will, we should include that in the CRM and SCAP I think?

Sent from my iPhone

On Sep 24, 2015, at 8:41 AM, Covington, Jeryl <Covington.Jeryl@epa.gov> wrote:

I recall and as noted below, that Will Hall stated that the letter should be issued after the mediator is selected.

**From:** Dorka, Lilian  
**Sent:** Thursday, September 24, 2015 8:39 AM  
**To:** Covington, Jeryl; Farrell, Ericka; Wooden-Aguilar, Helena  
**Cc:** Yon, William  
**Subject:** Re: REACH - March 6th as the date the 180 clock was tolled.

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On Sep 24, 2015, at 8:36 AM, Dorka, Lilian <Dorka.Lilian@epa.gov> wrote:

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On Sep 24, 2015, at 7:51 AM, Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)> wrote:

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**From:** Dorka, Lilian

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**Cc:** Covington, Jeryl

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**Sent:** Friday, August 21, 2015 10:21 AM

**To:** Rhodes, Julia

**Cc:** Covington, Jeryl; Dorka, Lilian; Temple, Kurt; Wooden-Aguilar, Helena; O'Lone, Mary; Moffa, Anthony; Farrell, Ericka

**Subject:** Re: REACH - March 6th as the date the 180 clock was tolled.

Thanks Julia. Velveta

Sent from my iPhone

On Aug 21, 2015, at 8:46 AM, Rhodes, Julia <[Rhodes.Julia@epa.gov](mailto:Rhodes.Julia@epa.gov)> wrote:

Hi Velveta, CRFLO is still reviewing the letter and will be cognizant of the interests expressed in your email as we do so.

Julia Rhodes

Assistant General Counsel for the Civil Rights Practice Group

Civil Rights and Finance Law Office

Office of General Counsel

Environmental Protection Agency

1200 Pennsylvania Avenue, NW, 2399A

Washington, DC 20460

Phone: 202.564.1417

**From:** Golightly-Howell, Velveta

**Sent:** Thursday, August 20, 2015 6:40 PM

**To:** Covington, Jeryl

**Cc:** Dorka, Lilian; Temple, Kurt; Wooden-Aguilar, Helena; Rhodes, Julia; O'Lone, Mary; Moffa, Anthony; Farrell, Ericka

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Anthony; Hall, William

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**Ex. 5 - Deliberative Process/ Atty Client**

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I am trying to nail down when "convening" was underway.

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